

Amendments to the Drawings:

The drawing sheet or sheets attached in connection with the above-identified application containing Figures 1 and 2 are being presented as a new formal drawing sheet or sheets to be substituted for the previously submitted drawing sheet or sheets. The drawing Figures 1 and 2 have been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific change which have been made to Figure 1 is that element 24 has been added.

The specific changes which have been made to Figure 2 are that the relevant elements 32, 34, and 36 have been labeled.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 14 and 21 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-23 are now pending in this application.

In the September 14, 2006 Official Action, the Examiner objected to Figures 1 and 2. The Examiner asserted that reference number 24 is recited in the specification and should be shown in Figure 1 and reference numbers 32, 34, and 36 are recited in the specification and should also be shown in Figure 2. Figures 1 and 2 have been amended in accordance with the Examiner's suggestion.

The Examiner also rejected claims 21-23 under 35 U.S.C. §101 because, in the Examiner's view, the claims are directed to non-statutory subject matter, as no storage medium for the computer program is provided. Without prejudice and in response to the Examiner's rejection, claim 21 has been amended to describe the program coding as being embodied on a computer-readable medium. However, in light of the currently ongoing review inside the United States Patent and Trademark Office on patent subject matter eligibility, Applicant fully reserves the right to revisit this issue either in the present application or in other related applications.¹

The Examiner also rejected claims 1-3 and 5-23 under 35 U.S.C. § 102(b) as being anticipated by Patent Publication No. WO 02/44892 (Mehta et al.). Claim 4 was rejected by

¹ Claims 9-14 were also amended for clarification and consistency purposes. Applicant does not intend to narrow the scope of the claim as a result of these amendments.

the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Mehta in view of WO 00/58855 (Gudmundson). Applicant traverses the rejections for the reasons set forth below.

The Examiner asserted that Mehta et al. teaches all of the required limitations of claims 1-3 and 5-23. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that Mehta et al. does not teach or even suggest a system and method for adding computer software features dynamically to a software application by establishing a framework for an application programming interface (API) that adds a feature to an application. In addition, Mehta et al. does not teach or even suggest requesting from an application interworking framework, providing an interface for a consumer application and a provider application such that a feature interest is matched with one of the features available from the provider application, and utilizing a feature at the consumer application.

Mehta et al. merely teaches a Mobile Application System (MAS) and related method of downloading content or complete applications for use on a mobile device, where the content or complete application can be filtered for prohibited content, malicious code, whether or not an application is supported by the mobile device, etc. (*See, e.g.*, Abstract, line 28, page 12, line 26-page 14, line 24, page 19, line 16-page 21, line 24, page 49, line 19-page 50, line 6). The nature of Mehta et al. is demonstrated at, for example, page 9, lines 21-25:

The MAS is a collection of interoperating server components that work individually and together in a secure fashion to provide applications, resources, and other content to mobile subscriber devices. The MAS allows, for example, wireless devices, such as cellular phones and handset devices, to dynamically download new and updated applications from the MAS for use on their devices.

Page 10, lines 13-21 of Mehta et al. further states that:

One skilled in the art will recognize that other embodiments of the methods and systems of the present invention may be used for many other purposes, including maintaining and distributing software and other content over non-wireless networks, such as the Internet, to non-wireless subscriber devices, such as a personal computer, a docked wireless handset, telephones with Internet connectivity, or customer kiosks, for example, within airports or shopping malls. In addition, although this

description primarily refers to content in the form of applications and resources, one skilled in the art will recognize that the content may contain text, graphics, audio, and video.

Therefore, it is clear that Mehta teaches handling, as described above, complete applications and downloadable media content for use with applications on a mobile device, e.g., a ring tone or graphical icon. In no way whatsoever does Mehta et al. ever contemplate, let alone disclose the ability to add features to an application by establishing a framework for an API. Application frameworks are never even mentioned by Mehta et al., where the only reason an application make-up is considered at all is to determine whether or not something comprising the application is prohibited in some way or not executable by the mobile device attempting to download the application or content. (*See, e.g.*, page 19, line 16-page 20, line 5)

In contrast, independent claims 1 and 10 require requesting a feature from an application interworking framework, where the feature matches a consumer interest of a consumer application. Contrary to the Examiner's assertion, page 2, line 15-16 of Mehta et al. describes nothing that can be interpreted to read on the above feature or even likened thereto. Applicant submits that Mehta et al. merely refers to a user searching for content, such as a ring-tone or graphic on the Internet and requesting to download the content, where the MAS intercepts the request and filters any prohibited content. Nowhere is it mentioned that an application interworking framework is utilized, nor is it mentioned that a feature, as opposed to an entire application, is being requested. More importantly, none of the processes of Mehta et al. are drawn to dynamically adding a software feature to a software application.

The Examiner's remaining assertions also suffer from this basic misinterpretation. For example, at page 4 of the outstanding Official Action, the Examiner asserted that "although, Mahta [*sic*] does not explicitly disclose utilizing the feature at the consumer application. It is inherited [*sic*] that utilizing the feature at the consumer application must occur in order to fulfill the purpose of dynamically updating software applications." The reason Mehta et al. does not explicitly state or discuss utilizing a specific feature of a consumer application is because Mehta et al., as described above, does not teach or suggest anything having to do with features of an application beyond screening the application to see

whether or not a certain content can be downloaded and/or used on a mobile device. Therefore there is no need to discuss utilizing a feature. Of course, if an application is downloaded, generally, features associated with that application will be used. However, as described above, the various embodiments of the present invention are drawn not merely to downloading an application and using it, as is described in reference to the prior art at paragraph [0004] of the present application.

The Examiner also cited references to “parameters” in Mehta et al. as support for the assertion that Mehta et al. teaches using “generic parameters” in an application interworking framework APIs. The “parameters” recited in Mehta at page 3, line 29, for example, merely refer to content attributes that can be used to screen content or applications with. By contrast, “generic parameters” in the present application refer to variables used in generic functions as a way to pass input and output arguments between terminal software product applications using application embedding as described at paragraph [0051] of the present application.

Yet another example of the Examiner’s misinterpretation of Mehta et al. is illustrated on pages 4 and 5 of the outstanding Official Action, where the Examiner cites to page 11, lines 3-6 of Mehta et al. to support his position that an application interworking framework is taught. Page 11, lines 3-6 of Mehta et al. refer to a wireless network architecture illustrated in Figure 1, i.e., network elements such as a transceiver 103, carrier services 104, etc. The physical “framework” of the wireless network has nothing to do with the API or application interworking “framework” of the present invention that is used to describe an architecture at the software/application level.

For the above reasons, Applicant respectfully submits that the cited prior art does not teach or suggest each element of independent claims 1 and 8. Therefore, Applicant submits that each of independent claims 1 and 8 are patentable over the cited prior art. Furthermore, because dependent claims 2, 3, and 5-23 all directly or indirectly depend upon these independent claims, Applicant submits that these claims are patentable over the cited prior art as well.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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